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2008 DEC 22 PM 4:29

S&H Form: (2/01)  
Application No.: 10/766,039

Attorney Docket No. 1538.1045

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Hiroyuki HATTA, et al.

Application No.: 10/766,039

Group Art Unit: 2163

Confirmation No.: 2575

Filed: January 29, 2004

Examiner: Wilson LEE

For: SEARCH PROCESSING METHOD AND APPARATUS

**REQUEST FOR REFUND TO DEPOSIT ACCOUNT**

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Sir:

Attached hereto is a copy of a Monthly Statement of Deposit Account (dated October 21, 2008) showing a charge(s) of 260.00 related to the above-referenced application. The charge(s) is/are marked with Fee Code 1202 and 1201, respectively, which relate to the Patent Office Fees for filing an extra independent claim fee and an extra claim fee. However, no such extra independent claim fee and extra claim fee was due, because the Form PTO-875 indicates payment for only 20 total claims and 4 independent claims, however, payment for a total of 22 total claims and 6 independents claims have been made by the filing of March 27, 2008 to the deposit account.

Therefore, the charges were not due and were charged in excess of the required claim fees.

S&H Form: (2/01)  
Application No.: 10/766,039

Accordingly, it is respectfully requested that this charge be credited to Deposit Account No. 19-3935 and that the Patent Office acknowledge this credit in writing to the undersigned.

Respectfully submitted,  
STAAS & HALSEY LLP

/Mehdi D. Sheikerz/

Date: December 22, 2008

By: \_\_\_\_\_

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 10766.039	Filing Date 01/29/2004	<input type="checkbox"/> To be Mailed
APPLICATION AS FILED - PART I				OTHER THAN SMALL ENTITY		
(Column 1)		(Column 2)		SMALL ENTITY	OR	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEES (\$)	RATE (\$)	FEES (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(c), (b), or (c))	N/A	N/A	N/A		N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(h), (i), or (m))	N/A	N/A	N/A		N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(c), (p), or (q))	N/A	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(l))	minus 20 =	*	X \$ =		X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(l))	minus 3 =	*	X \$ =		X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(l))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(l))						
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL		TOTAL
APPLICATION AS AMENDED - PART II				OTHER THAN SMALL ENTITY		
(Column 1)		(Column 2)		(Column 3)		
AMENDMENT	09/29/2008	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY
	Total (37 CFR 1.16(b))	21	Minus	20	= 1	OR
Independent (37 CFR 1.16(n))	5	Minus	4	= 1	X \$ =	50
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(l))						
TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE		260
(Column 1)				(Column 2)		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)
	Total (37 CFR 1.16(b))	•	Minus	•	=	ADDITIONAL FEE (\$)
Independent (37 CFR 1.16(n))	•	Minus	•	=	X \$ =	OR
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(l))						
TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE		

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

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The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:

/SHARAIN MORELAND/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

<b>AMENDMENT FEE TRANSMITTAL</b>		Attorney Docket No.	1538.1045		
		Application Number	10/766,039		
		Filing Date	January 29, 2004		
		First Named Inventor	Hiroyuki HATTA, et al.		
		Group Art Unit	2163		
AMOUNT ENCLOSED		Examiner Name	Wilson LEE		
<b>FEE CALCULATION</b> (fees effective 09/30/07)					
CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	20	22	0	X \$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	4	6	0	X \$ 210.00 =	0.00
Since an Official Action set an original due date of September 27, 2008, no extension of time fees are due:					
If Notice of Appeal is enclosed, add (\$510.00)					
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)					
Information Disclosure Statement (Rule 1.17(p)) (\$180.00)					
Total of above Calculations = \$ 0.00					
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)					
TOTAL FEES DUE = \$ 0.00					
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<input type="checkbox"/> Check enclosed as payment. <input type="checkbox"/> Charge "TOTAL FEES DUE" to the Deposit Account No. below. <input checked="" type="checkbox"/> No payment is enclosed.					
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Deposit Account No. 19-3935 Deposit Account Name STAAS & HALSEY LLP					
<input checked="" type="checkbox"/> The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.					
SUBMITTED BY: STAAS & HALSEY LLP					
Typed Name	Mehdi D. Sheikerz		Reg. No.	41,307	
Signature	/Mehdi D. Sheikerz/		Date	September 29, 2008	

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